

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

V.

2020 McLaren 600LT Spider.ET AL.,

Defendants.

Case No. 8:22-CV-240

**AMENDED
VERIFIED NOTICE OF CLAIM**

COMES NOW, Blake Cook, as Personal Representative for the Estate of Brett A. Cook (hereafter, "Personal Representative"), and as Trustee for the Brett A. Cook Revocable Trust (hereafter, "Trustee"), by and through his undersigned counsel, and hereby submits this Amended Verified Notice of Claim pursuant to 18 U.S.C. § 981(g)(2)(B), and Supp. Fed. R. Civ. P. G(5)(a))(i). Mr. Cook, as Personal Representative and Trustee, filed an initial Verified Notice of Claim on August 5, 2022. The Government subsequently filed an Amended Complaint and Amended Notice of Amended Complaint on August 11, 2022 (See Filing Nos. 15, 16).

In support of this Amended Verified Notice of Claim, Blake Cook states as follows, pursuant to Fed. R. Civ. P. G(5)(a)(i)(A) - (D):

I. Specific Property Claimed as Personal Representative:

PROPERTY INFORMATION	
Asset ID	Asset Description
22-FBI-005042	Real Property located at 17756 East Colt Drive, Parcel # 313-21-903

22-FBI-005065	Real Property located at 980 County Road W, Lot S-1146, Fremont, NE, Parcel # S-1146
22-FBI-005067	Real Property located at 5605 North 168th Street, Omaha, NE
22-FBI-005069	Real Property (50% Interest) in 2203 23rd Street, Columbus, Nebraska
22-FBI-005396	Farmers NW Life Insurance Policy Number <u>009165409</u>
22-FBI-005397	Farmers NW Life Insurance Policy Number <u>006704990V</u>
22-FBI-005390	2020 McLaren 600LT Spider
22-FBI-005391	2022 GMC Sierra-K2600 AT4 4x4
22-FBI-005392	2022 GMC Sierra-K2500 AT4 CC 4x4
22-FBI-005020	\$74,743.00 United States Currency
22-FBI-005017	<p>Zenith EL Primero Watch;</p> <p>Hublot Bing Bang Watch;</p> <p>Breitling Navitimer 43mm Watch;</p> <p>Rolex Daytona Watch 116509 Serial Number 65S626F8 21749;</p> <p>Rolex Oyster Perpetual Watch Serial Number X64G6926AF124300X6</p> <p>Rolex Oyster Perpetual Watch Serial Number 259G7053 2831-7351-4857;</p> <p>18K Yellow Gold Hockey Goalie pendant with diamonds and yellow gold chain;</p> <p>18K white gold adjustable chain and four hearts solitaire pendants;</p>

	<p>Rolex Oyster Perpetual Watch Serial Number X5965319 22244;</p> <p>18K Yellow Gold Hockey Player pendant with diamonds and gold chain</p> <p>18K White Gold Bull Rider pendant with diamonds and chain;</p> <p>18kt White Gold Wide Diamond ring with sapphires;</p> <p>18kt White Gold Ladys Ring with sapphires and diamonds;</p> <p>Rolex 40MM Oyster Perpetual Daytona White Mop8 Watch Serial Number C3J48934;</p> <p>Astron SS CSHN Brace Watch;</p> <p>¼ ctw DIA 18" station necklace;</p> <p>8.30 ctw DIA 18KW necklace;</p> <p>Rolex Oyster Perpetual Watch Serial Number 179E626</p> <p>Breitling Aviator 8 Curtis</p> <p>Warhawk Watch;</p> <p>Omega Aqua Terra Limited</p> <p>Edition Watch;</p> <p>Omega Speedmaster Watch;</p> <p>Omega Seamaster Watch;</p> <p>Degrisogono Powerbreaker Watch</p>
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II. Specific Property Claimed as Trustee:

PROPERTY INFORMATION	
Asset ID	Asset Description
22-FBI-005042	Real Property located at 17756 East Colt Drive, Parcel # 313-21-903
22-FBI-005065	Real Property located at 980 County Road W, Lot S-1146, Fremont, NE, Parcel # S-1146

22-FBI-005396	Farmers NW Life Insurance Policy Number <u>009165409</u>
22-FBI-005397	Farmers NW Life Insurance Policy Number <u>006704990V</u>
22-FBI-005067	Real Property located at 5605 North 168th Street, Omaha, NE

III. Claimant's Interests:

Each of the assets designated in the Government's Amended Complaint for Forfeiture filed herein are part of the Estate of Brett A. Cook (the "Estate"). On June 30, 2022, the Registrar for the County Court of Douglas County, Nebraska, issued a Statement of Informal Probate appointing Blake Cook as Personal Representative for the Estate (Case No. PR 22-1081). The Personal Representative has a fiduciary duty to settle and distribute the estate of the decedent, according to the terms of the decedent's probated last will and the laws of the state of Nebraska, and in accordance with the best interests of the successors to the estate (See Neb. Rev. Stat. § 30-2464). Further, according to Neb. Rev. Stat. § 30-2470, the Personal Representative has both the power and the obligation to take possession and control of the decedent's property, and is obligated to take all steps reasonably necessary to manage, protect, and preserve the property of the decedent. The laws of Nebraska also provide that no claim can be pursued against the estate of a decedent until a personal representative has been appointed for that estate (See Neb. Rev. Stat. § 30-2404).

Additionally, the Brett A. Cook Revocable Trust (the "Trust") is the owner of each of the assets identified above. Blake Cook was named as the successor Trustee of the

Trust, pursuant to Section 11 of the Amended and Restated Trust Agreement Creating the Brett A. Cook Revocable Trust. As Trustee, Blake Cook has a fiduciary duty to administer the Trust as required by Nebraska law. Those duties include paying Trust creditors and other Trust liabilities, and paying his attorneys and other professionals, including CPA's, to assist with the legal filings and other necessary legal work for the administration of the Trust. He is required to administer the Trust in good faith in accordance with its terms and purposes and the interest of the beneficiaries in accordance with the Nebraska Uniform Trust Code. See Neb. Rev. Stat. § 30-3866.

WHEREFORE, Blake Cook, as Personal Representative and Trustee, respectfully requests that the above-captioned civil judicial forfeiture matter be stayed, pursuant to 18 U.S.C. § 981(g)(2), and that the Court enter an "order necessary to preserve the value of the property or to protect the rights of lienholders or other persons with an interest in the property while the stay is in effect." See 18 U.S.C. § 981(g)(6).

DATED this 25th day of August, 2022.

Blake Cook, Personal Representative of
the Estate of Brett A. Cook and Trustee
for the Brett A. Cook Revocable Trust,

By: /s/ Katherine A. McNamara
Katherine A. McNamara, #25142
Margaret A. Rossiter, #26853
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above and foregoing was filed electronically via PACER CM/ECF and was served this 25th day of August, 2022, by electronic mail and U.S. mail upon the following:

United States Attorney's Office
District of Nebraska
ATTN: KIM BUNJER
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